

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Eberhard Klein et al.  
Serial No. : 10/502,430  
Filing Date : July 22, 2004  
PCT No. : PCT/DE02/03408  
For : METHOD AND DEVICE AS WELL AS COMPUTER  
PROGRAM FOR CONTROLLING AN INTERNAL  
COMBUSTION ENGINE  
Examiner : to be assigned  
Art Unit : to be assigned  
Confirmation No. : 8129

Mail Stop PCT  
Commissioner for Patents  
OFFICE OF PCT LEGAL ADMINISTRATION  
P. O. Box 1450  
Alexandria, VA. 22313-1450

**ATTENTION: OFFICE OF PCT LEGAL  
ADMINISTRATION**

**PETITION UNDER 37 C.F.R. 1.137(b) TO WITHDRAW HOLDING OF  
ABANDONMENT**

SIR:

This Petition under 37 C.F.R. 1.137(b) is being submitted in response to the "Decision on Petition" mailed on September 24, 2007, which Decision indicated that the "3<sup>rd</sup> Renewed Petition to Withdraw Holding of Abandonment" mailed on June 25, 2007 is dismissed because the 3<sup>rd</sup> Renewed Petition was not made pursuant to 37 C.F.R. 1.137, notwithstanding the fact that the "Decision on Petition" mailed on September 24, 2007 clearly indicates that the "translation of figures 4 and 5 is now acceptable." For the sake of completeness, Applicants are resubmitting the drawing sheet containing Figures 4 and 5 previously submitted with the "3<sup>rd</sup> Renewed Petition." As required by 37 C.F.R. 1.137(b), Applicants state that the entire delay in filing the required reply from the due date for the reply to the November 16, 2004 Notification of Missing Requirements until the filing of the present

Petition was unintentional, since all of Applicants' submissions (1/5/05 Submission, 4/21/05 Response and the subsequent Petitions mailed on 9/21/06, 1/18/07, 3/6/07 and 6/25/07, as well as the present Petition) were bona fide replies made in good faith belief that the submissions would correct the defects noted by the USPTO in the Notifications mailed on 11/16/04, 3/21/05 and 8/21/06, and in the subsequent Decisions mailed on 11/21/06, 1/29/07, 5/23/07 and 9/24/07.

In the 3<sup>rd</sup> Decision, it was indicated that the "quantity of English text provided for the translation of figure 4 appears to be more than the quantity of the original text of figure 4." In response, please find attached a new translation of Figure 4 which identically corresponds to the original text of Figure 4, and which translation is fully supported by the original specification. In the attached new translation of Figure 4, Applicants have maintained the variables "etadzw," "dzw," "KFETADZW," and "wnwaö," since these variables have been used in the original English translation of the specification (with accompanying descriptions of the corresponding meanings). In addition, "zünd-UT" has been translated as "ignition bottom dead center," and "zünd-OT" has been translated as "ignition top dead center."

In view of the attached translation of Figure 4, it is respectfully requested that the holding of abandonment of the present application be withdrawn.

As required by 37 C.F.R. 1.137(b)(2), please charge the petition fee of \$1,540 set forth in 37 C.F.R. 1.17(m), as well as any other required fees, to **Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600**. A copy of this petition is enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON LLP

 (R. No. 35,952)

Date: October 4, 2007

Jon G. Lee for Gerard Messina  
Gerard A. Messina, Reg. No. 35,952  
One Broadway  
New York, New York 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288